

REMARKS

Claims 1, 10, 26-28 and 30-32 are pending in this application. Claim 1 has been amended. The amendments introduce no new subject matter. The recitation “having a length of 100 amino acids or less” has merely been moved and, by way of example, finds support in originally filed claim 2. Furthermore, the replacement of “the polypeptide” with “said amino acid sequence of SEQ ID NO:1331” merely clarifies the previously pending claims and, by way of example, finds support in originally filed claim 1, at page 1, line 24 to page 2, line 6, and in Table 1.

I. Objection to the specification

The specification has been objected to for alleged incorporation by reference of essential subject matter. Applicants respectfully traverse the objection and its supporting remarks as none of the pending claims rely upon or refer to sequences in the cited PCT Application and therefore the sequences in the cited PCT Application are not essential. However, in order to facilitate prosecution of this case, applicants are filing herewith a sequence listing which includes the same sequences as in the material incorporated by reference appended to the end of the sequence listing. Applicants thus respectfully request withdrawal of this objection to the specification.

II. Rejection under 35 U.S.C. 112, First Paragraph, written description

Claims 1, 10, 26-28 and 30-32 are rejected under 35 U.S.C § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one of skill in the art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner states there is inadequate written description establishing a structure-function relationship between an antigenic determinant as claimed and its ability to detect the presence of antibodies raised against *Neisseria meningitidis* serogroup B. The Examiner further states that applicants have not described what contiguous or discontinuous antigenic determinants, or conformational or non-conformational epitopes of the claimed polypeptide comprising SEQ ID NO:1331 are correlated with the required capacity to detect the presence of antibodies raised against any *Neisseria meningitidis* serogroup B.

Applicants respectfully traverse the rejection and its supporting remarks. However, solely to facilitate prosecution of this case, applicants have amended claim 1 to clarify that the amino acid sequence of SEQ ID NO:1331 comprises the at least one antigenic determinant and can detect the presence of antibodies raised against *Neisseria meningitidis* serogroup B. Therefore, one of skill in the art would recognize that applicants had possession of SEQ ID NO:1331 by virtue of disclosure of the structure thereof in the specification and therefore were in possession of the SEQ ID NO:131 which comprises the at least one antigenic determinant and can detect the presence of antibodies raised against any *Neisseria meningitidis* serogroup B. Applicants thus respectfully request withdrawal of the rejection of claims 1, 10, 26-28 and 30-32 under 35 U.S.C. § 112, first paragraph, written description as the rejection is moot.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **03-1952** referencing docket no. 223002100200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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